

Municipal Clerk
Atlanta, Georgia

03-0 -1378

**AN ORDINANCE
BY THE COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

UEZ-03-10

**AN ORDINANCE TO CREATE THE "GEORGIA BAPTIST NURSING COL-
LEGE ADAPTIVE RE-USE HOUSING ENTERPRISE ZONE", TO BE LO-
CATED AT 272 BOULEVARD, N.E. AND 448 HIGHLAND AVENUE, N.E. (a.k.a.
PORTIONS OF 300 BOULEVARD, N.E.), AND FOR OTHER PURPOSES.**

NPU "M"

COUNCIL DISTRICT 2

WHEREAS an amendment to the Constitution of the State of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta the authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS the designation of a housing enterprise zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property that is exempted by the City; and

WHEREAS certain types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period, and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for commercial construction and job creation purposes; and

WHEREAS the conditions and qualifications of the Atlanta/Fulton County Urban Enterprise Zone Act, as amended, have been met relative to the creation of the proposed "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
HEREBY ORDAINS AS FOLLOWS:**

Section 1: It is found by the Council of the City of Atlanta that the area in and around the property that would be designated as the "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare, and morals. It is further found that these areas, as is the case with the property that would be designated as the "Georgia Baptist Nursing College Adaptive Re-use Housing Enterprise Zone", are characterized by having no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically- and socially-depressed areas designated herein as urban enterprise zones.

Section 2: The "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" is hereby created for the subject property at 272 Boulevard, NE and 448 Highland Avenue, NE (a.k.a. portions of 300 Boulevard, NE), which represents property Parcel Code Number (PCN) 14-0046-0002-074 and contains 2.28 acres of land. The effective date of all exemptions established therein shall be January 1, 2004. The "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" shall be abolished on December 31, 2013. The "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" shall otherwise not be abolished except as provided in State law. A legal description and map of the "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" are attached hereto as Exhibit "A", are made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3. The "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" shall be developed as a residential development project, which shall consist of 1) the rehabilitation of the existing 12-story building to provide 176 apartments for seniors, and 2) construction of a new building with 19 townhomes.

Section 4. The development of the "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" shall meet or exceed the "housing affordability requirements" for urban enterprise zone designation, which are defined as follows, per City Code Section 146-52(2)b1: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. The "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" shall consist of the following breakdown of affordable housing units: 180 of the total 195 housing units (92%), which shall be comprised of all 176 of the 176 senior apartments (100%) and 4 of the 19 townhome units (20%).

Section 5: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of the "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon the approval by the Mayor of the City of Atlanta.

Section 6: That all ordinances and parts of ordinances that are in conflict herewith are hereby repealed.

CEZ-US-10

EXHIBIT "A"

Legal Description
GA Baptist Nursing College
272 Boulevard NE
Atlanta, GA 30312

COLLEGE OF NURSING

ALL THAT TRACT OR PARCEL OF LAND lying and being in the City of Atlanta in Land Lot 46 of the 14th District of Fulton County, Georgia, as more particularly bounded and described as follows:

Beginning at the point of intersection of the westerly right-of-way of Boulevard N.E.(80'R/W) and the northerly right-of-way of Highland Avenue (55'R/W), thence,

N 89°12'51" W along said northerly right-of-way a distance of 327.61 feet to a point, thence,

N 00°01'07" E departing said northerly right-of-way going a distance of 240.87 feet to a point, thence

N 89°02'14" E a distance of 71.35 feet to a point, thence;

N 00°27'32" W a distance of 66.20 feet to a point, thence;

N 89°32'28" E a distance of 11.49 feet to a point, thence,

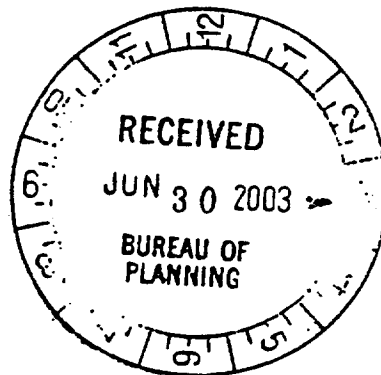
N 00°08'10" W a distance of 10.94 feet to a point, thence;

N 89°51'50" E a distance of 104.48 feet to a point, thence,

S 14°13'38" E a distance of 10.66 feet to a point, thence;

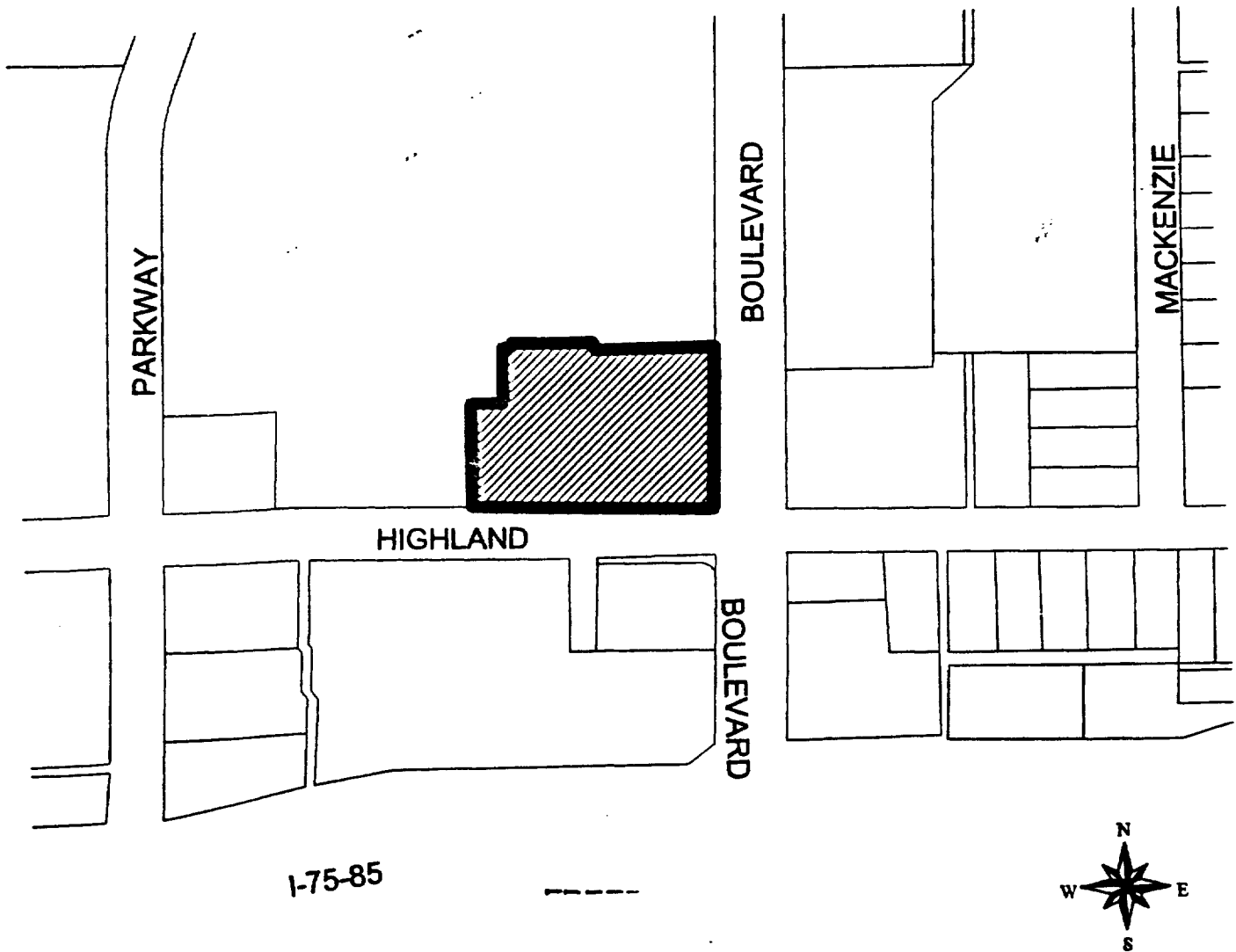
N 89°30'23" E a distance of 143.21 feet to a point of intersection with the westerly right-of-way of Boulevard N.E., thence;

S 00°55'22" W along said westerly right-of-way a distance of 314.98 feet to the POINT OF BEGINNING Containing 99,150 square feet or 2.28 acres.



PROPOSED "GEORGIA BAPTIST NURSING COLLEGE ADAPTIVE RE-USE HOUSING ENTERPRISE ZONE"

272 BOULEVARD, NE AND 448 HIGHLAND AVE
NE, (a. k. a portions of 300 BOULEVARD, NE).
DIST. 14, LAND LOT 46.
COUNCIL DIST. 2, NPU " M "



UEZ - 03 - 10

— Npu-m-streets.
□ Npu-m-parcels.

PROJECT CHECKLIST FOR UEZ-03-10:

Proposed "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone"
To be Located at 272 Boulevard, NE and 448 Highland Avenue, NE
(a.k.a. Portions of 300 Boulevard, NE)

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
<u>Eligibility Criteria:</u>	<u>Must meet 3 of the 4 Criteria:</u>		
a. Evidence of Pervasive Poverty	a. Poverty rate of $\geq 20\%$ for the Census Block Group.	a. Poverty rate of 28.1% for Census Block Group 4 of Census Tract 17 (per the 2000 Census), which is more than the required minimum of 20%.	√
b. Unemployment	b. Unemployment: (1) Census Tract having at least 10% higher than the State Average; OR (2) Significant Job Loss, to be documented by the applicant.	b. Unemployment: (1) Census Tract 17 has an unemployment rate of 9.2%, which is more than 10% higher than the 2002 State Average of 5.1%. (2)	√
c. General Distress	c. General Distress: (1) Police Beat crime rate of $\geq 20\%$ compared to the police zone; OR (2) Vacant and/or Dilapidated Structures, or Deteriorated Infrastructure, based on documented proof of existing abandoned and/or dilapidated structures within one block of the project area, or deteriorated infrastructure.	c. General Distress: (1) Police beat 507 has a crime rate of -23% of the crime rate of police zone 5, thus the high crime requirement is not met. (2) Photographic documentation of nearby dilapidated structures was received from the applicant.	√
d. Underdevelopment	d. Underdevelopment: The NPU has $\leq 20\%$ of the amount of Development Activity compared to the City as a whole for the proposed type of development.	d. Underdevelopment: NPU "M" had 22% of development activity within the City for residential development, which exceeds the requirement of $\leq 20\%$.	No.

CRITERION	REQUIRED	PROPOSED	COMPLIANCE
2. Acreage	None.	Contains 2.28 acres of land.	√
3. CDP Consistency	CDP Land Use Classification: Designated as "Office/Institution." Allowed F.A.R.: 0.0-3.0.	Proposed FAR: 1.26. A CDP land use amendment would be required if the property is rezoned to C-3.	To be determined.
4. Zoning Compliance	Zoned "C-2" (Commercial Service District).	A rezoning is required. The applicant proposes to rezone the property to either RG-4 or C-3.	To be determined.
5. Project Specificity	Project-Specific Zone or Areawide Zone.	Project-Specific.	√
6. Project Readiness	≥ 30% of housing units to be initiated in Year 1 of the UEZ.	At least 59 units or 30% of the total 195 housing units.	√
7. Non-Displacement	Minimum Displacement	Existing building to be rehabilitated has been vacant since 2000. It was formerly used for student housing rather than permanent housing, thus no displacement occurred. Land for the proposed townhomes is not occupied by residential uses, thus no displacement would occur.	√
8. Affordability	Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures.	Project would include the following breakdown of affordable housing units, which meets the requirements for urban enterprise zone designation: 180 of the total 195 housing units (92%), which shall be comprised of all 176 of the 176 senior apartments (100%) and 4 of the 19 townhome units (20%). The breakdown by bedroom type is as follows: 167 of the 167 one-bedroom units (100%) and 13 of the 28 two-bedroom units (46%).	√
9. Provision for Atlanta Police officers and their families (Housing and Mixed-Use Residential/ Commercial Enterprise Zones)	5% of available units to be offered to Atlanta Police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability.		To be determined.
10. Job Creation	First Source Jobs Policy	Not applicant for housing enterprise zones.	Not applicable.
11. Financial Feasibility	<u>Chief Financial Officer's Statement of Fiscal Impact:</u> a. Negative cash flow; OR b. Debt coverage ratio <1.20; OR	Proposed development project would have a negative cash flow and/or a debt coverage ratio of <1.20.	To be determined.

	c. A variable-ratio debt coverage ratio that is equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified.		
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HOUSING AFFORDABILITY TABLE FOR 2003

MAXIMUM ALLOWABLE 2003 INCOME AND HOUSING PRICES FOR HOUSING AND MIXED-USE RESIDENTIAL/COMMERCIAL ENTERPRISE ZONES IN THE CITY OF ATLANTA

Family Size	Maximum Allowable Percentage Of Base Median Family Income*	Maximum Allowable Annual Income **	Maximum Allowable Annual Housing Expense***	Maximum Allowable Monthly Rent****	Maximum Sales Price *****
One Person	70	\$28,896	\$8,669	\$722	\$151,360
Two Persons	80	\$33,024	\$9,907	\$826	\$151,360
Three Persons	90	\$37,152	\$11,146	\$929	\$151,360
Four Persons	100	\$41,280	\$12,384	\$1,032	\$151,360
Five Persons	108	\$44,582	\$13,375	\$1,115	\$151,360
Six Persons	116	\$47,885	\$14,366	\$1,197	\$151,360
Seven Persons	124	\$51,187	\$15,356	\$1,280	\$151,360
Eight Persons	132	\$54,490	\$16,347	\$1,352	\$151,360

KEY

*Data were calculated using the HUD Median Family Income Base for the Atlanta Metropolitan Statistical Area (MSA) for Fiscal Year 2003 (as of April 1, 2003) for a Family Size of Four Persons, which was \$68,800. Using this figure, data have been adjusted according to family size, such that family income cannot exceed 60 percent of the Median Family Income Base.

**Family Size times Maximum Allowed Base Income (Median Atlanta MSA Family Income of \$68,800 times the Housing Affordability Maximum Allowed Percentage of 60 percent, which equals \$41,280).

***Maximum Allowable Annual Income times 30 percent, which allows for the remaining 70 percent of the total annual income to be used for Living Expenses.

****Maximum Allowable Annual Housing Expense divided by 12.

*****The Maximum Sales Price shall not exceed 2.2 times the median family income.

NOTES

1. The urban enterprise zone regulations determine the maximum allowable monthly rental range.
2. For rental properties, Georgia State Law allows a maximum of two persons sleeping in each bedroom.

Source: City of Atlanta Bureau of Planning calculations, based on U.S. HUD Fiscal Year 2003 Median Family Income figure of \$68,800 for the Atlanta Metropolitan Statistical Area.

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgen
(For review & distribution to Executive Management)

Commissioner Signature [Signature]
Department of Planning and
Community Development

Director Signature [Signature]
Bureau of Planning

From: Originating Dept. Department of Planning and Community Development: Bureau of Planning Contact (name): Sara Wade Hicks, Assistant Director—Ext. 6728

Committee of Purview: Community Development / Human Resources

Committee Meeting Dates: September 29, 2003 public hearing; Committee Deadline: 8/22/03
→ September 9 & 30, 2003 CD/HR Committee; City Council Meeting Date: 9/15/03
10/6/03

CAPTION:

AN ORDINANCE BY THE COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE TO CREATE THE "GEORGIA BAPTIST NURSING COLLEGE ADAPTIVE RE-USE HOUSING ENTERPRISE ZONE", TO BE LOCATED AT 272 BOULEVARD, N.E. AND 448 HIGHLAND AVENUE, N.E. (a.k.a. PORTIONS OF 300 BOULEVARD, N.E.), AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

The applicant, Lane Company Investment and Development Corporation (formerly Realty Development Corporation), proposes to create the "Georgia Baptist Nursing College Adaptive Re-Use Housing Enterprise Zone" for the purposes of 1) rehabilitating the existing 12-story building to provide 176 apartments for seniors, and 2) constructing a new building with 19 townhomes. In accordance with the requirements for housing enterprise zones, 180 units (92 percent) of the total 195 housing units would be designated as "affordable", which would exceed the required minimum of 20 percent. The subject property is located in NPU "M", Council District 2. The project developer would be Lane Affordable Housing Corporation and the project builder would be Lane Realty Construction Company. If the proposed development project is constructed, it would further the City's policies of encouraging new housing and infill development. The estimated total project development cost is \$20,811,290. Financing would be provided by several sources: low-income housing tax credit equity, bond financing from Boze Capital, debt underwriting from PNC Multifamily Capital, and tax credit equity from Key Bank Real Estate Capital.

FINANCIAL IMPACT (if any):

The Department of Finance is conducting a fiscal impact analysis for the proposed urban enterprise zone.

Mayor's Staff Only:

Received by Mayor's Office: 8/19/03-28

Reviewed: [Signature]

(Date)

(Initials) (Date)

Submitted to Council: _____
(Date)

Action by Committee:

☐ Approved ☐ Adversed ☐ Held ☐ Amended ☐ Substitute ☐ Referred ☐ Other